

REMARKS

Claims 1-21, 23-35 and 71-78 are pending of which Claims 8-17, 25-31, 35 and 77-78 were withdrawn from consideration. Claims 1-7, 18-21, 23, 32-34, and 71-76 were rejected, Claim 23 and 24, allowed and Claims 34, 75, and 76 objected to, but were indicated as being allowable if placed in independent form. Claims 6, 18, and 71 have been amended. No new matter has been added.

Claim Rejections – 35 U.S.C. §102

Claims 6 and 7 were rejected under 35 U.S.C. §102(b) as being anticipated by Roddy et al. (2003/0214633) (“Roddy”). Reconsideration is requested.

Claim 6 recites “a first light emitting diode having an epitaxial structure ... configured to emit light that is at least 50% polarized along a first polarization orientation” and “a second light emitting diode having an epitaxial structure ... configured to emit light that is at least 50% polarized along a second polarization orientation”.

The Examiner rejected claim 6 stating that the claim that the light is “at least 50% polarized along a first polarization orientation” is equivalent to random polarization, which is disclosed in Roddy. Applicant respectfully disagrees with the Examiner’s analysis that the claimed 50% polarization is “randomly polarized”.

Paragraph [0028] in the specification of the present application states that “Percent polarization is defined as:

$$\frac{|I_p - I_s|}{I_p + I_s} \times 100\% \quad \text{eq. 1}$$

where I_p and I_s are the intensities of vertically and horizontally polarized light.” Thus, Roddy, which discloses randomly polarized light, i.e., “50-50; evenly polarized”, would have the same intensity for I_p and I_s and according to equation 1 is 0% polarized.

Claim 6 has been amended to include equation 1 to explicitly recite what was implicit in the percent polarization statement. Thus, no new matter has been added.

Accordingly, Applicant submits that Claim 6 is patentable over Roddy. Claim 7 depends from Claim 6 and is therefore patentable for at least the same reasons.

Reconsideration and withdrawal of this rejection is respectfully requested.

Claims 18-21, 32, 33, and 71-74 were rejected under 35 U.S.C. §102(b) as being anticipated by Weindorf et al. (2002/0140880) ("Weindorf"). Reconsideration is requested.

Independent claims 18 and 71 have been amended to recite "a non-absorbing polarizer coupled to and substantially parallel to the active region" and "a non-absorbing polarizer coupled to and substantially parallel to the light emitting surface of the light emitting diode". Support for this amendment is found, e.g., at Fig. 2C and accompanying text. Weindorf, on the other hand, discloses "a non-absorbing wire grid polarizer 106" that is perpendicular to the active region or light emitting surface of the light emitting diode 126.

The orientation of the non-absorbing polarizer of Weindorf results in a device with a substantially different operation the claimed device. For example, light that is emitted from the light emitting diode 126 in Weindorf must be reflected at approximately a right angle before it will be received by the reflective polarizer 106. See, paragraphs [0031] and [0033]. The light that is reflected by the reflective polarizer 106 is reflected back into a diffuser 108. Weindorf notes that "Light continues to be reflected in the light pipe until the light is absorbed or exits the top of the light pipe 110." Paragraph [0033].

In comparison, because the non-absorbing polarizer is substantially parallel to the active region or light emitting surface of the light emitting diode in the claimed device, the light reflected by the non-absorbing polarizer is reflected back to the LED and the "means for randomizing" in claim 18 or "randomizing element" in claim 71 that is between the non-absorbing polarizer and the LED.

Applicant notes that in the Office Action of December 15, 2005, independent claims 18 and 71 were rejected over Weindorf. In Response, Applicant amended claims 18 and 71 to recite "wherein the non-absorbing polarizer and means for randomizing (randomizing element) are configured to preserve the overall radiance of the light transmitted by the non-absorbing polarizer with respect to the light emitted when the active region is forward biased". In the following Office Action dated August 22, 2006, the Examiner dropped the rejection stating "Applicant's arguments with respect to claims 18-21, 23, 25-35, and 71-78 have been considered but are moot in view of the new ground(s) of rejection. The Examiner is now once again rejecting independent claims 18 and 71 over Weindorf. Accordingly, Applicant is now amending claims 18 and 71 to remove this clause.

Applicant submits that Claims 18 and 71 are now patentable over Weindorf for at least the reasons discussed above. Claims 19-21, 32, 33 depend from claim 18 and claims 72-74

depend from claim 71, and are therefore patentable for at least the same reasons.
Reconsideration and withdrawal of this rejection is respectfully requested.

Claims 6, 18, and 71 have been amended, leaving Claims 6-21, 23-35 and 71-78 pending of which Claims 8-17, 25-31, 35 and 77-78 are withdrawn from consideration. For the above reasons, Applicants respectfully request allowance of Claims 6-21, 23-35 and 71-78. Should the Examiner have any questions concerning this response, the Examiner is invited to contact the undersigned.

Respectfully submitted,

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